



**Date of Council Meeting: February 11, 2013**

**TOWN OF LEESBURG  
TOWN COUNCIL MEETING**

**Subject:** Clothing Donation Bins/Boxes on Private Property

**Staff Contact:** Jeanette A. Irby, Town Attorney

**Recommendation:** None.

**Issue:** Whether the Town can ban clothing donation bins/boxes on private property?

**Fiscal Analysis:** n/a

**Background:** The Town Council has received complaints from local nonprofits who operate clothing consignment shops about clothing donation bins/boxes located in retail shopping parking lots. The Town Council has been asked by these local nonprofits whether it is possible to ban clothing donation boxes on private property within the Town.

According to the Department of Planning and Zoning, these boxes/bins are not regulated. They are not considered “accessory structures” and therefore no permit is required for their placement. As they are not accessory structures and no permit is required, private property owners may place these bin/boxes in their private parking areas at will. Furthermore, as they are not accessory structures (and it would be difficult to argue that they are “structures”), it is the property owners’ prerogative to solicit donations with these bins and boxes. Without a valid local or state regulation, the town cannot restrict the rights of private property owners. It is the opinion of the Town Attorney that the Town cannot regulate or ban clothing donation bins/boxes located on private property.